

REMARKS

Claims 1-51 are pending in the application. Claims 2-5, 7, 8, 10-19, and 22-51 are withdrawn from consideration due to an earlier restriction requirement and have been canceled. Claims 1, 6, 9, 20 and 21 were presented for examination.

Claims 1, 6, 9, 20 and 21 have been amended. New claims 52-64 have been added. Claims 1, 6, 9, 20, 21 and 52-64 remain in the application.

The drawings were objected to under 37 CFR 1.83(a). However, the claims referred to in the objection are withdrawn from consideration due to the earlier restriction requirement, and none of the objected features are recited in the pending claims. Applicant therefore believes that no amendments to the drawings are required at this time.

The claim objections and rejections under 35 U.S.C. §112 have been addressed by the present amendment. Withdrawal of these objections and rejections is therefore respectfully requested.

Claims 1, 6, 20 and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Bushnell (U.S. 2,696,207).

Claims 1, 6, 20 and 21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Lovelace (U.S. 6,684,436).

Claims 1, 6, 20 and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Galumbeck (U.S. 4,899,404).

Claims 1, 6, 9, 20 and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Einstein (U.S. 2,860,937).

Claims 1, 6, 9, 20 and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kensinger (U.S. 4,639,952).

Regarding the rejection of claim 1 as being anticipated by Bushnell ('207), Bushnell discloses a bed B with a frame B' having a plurality of sections B₁, B₂, B₃, and B₄. Some of the sections are hinged at points 17, 18. A mattress B₅ is superposed on frame sections B₁, B₂, B₃, and B₄, as shown in Fig. 1. (col. 1, lines 69-79). However, Bushnell does not disclose or suggest that the mattress B₅ has a pivoting member adapted to be secured to an adjustable bed frame, as recited in claim 1. Bushnell therefore does not disclose all the limitations of claim 1.

Regarding the rejection of claim 1 as being anticipated by Lovelace ('436), Lovelace discloses a folding mattress structure with sections 12, 14 connected by connecting member 28. However, Bushnell does not disclose or suggest that the connecting member 28 or anything else on the mattress is adapted to be secured to an adjustable bed frame, as recited in claim 1. Lovelace therefore does not disclose all the limitations of claim 1.

Regarding the rejection of claim 1 as being anticipated by Galumbeck ('404), Galumbeck discloses an elevation system for a bed assembly (Fig. 5), with a mattress 5 and foundation 7. The foundation 7 does not provide a sleeping surface, as recited in claim 1. The pivoting members 105, 107 or 99 referred to in the Office Action are not attached to the mattress 5, but rather to the foundation 7. (col. 5, lines 55-66). In one embodiment disclosed in Fig. 10 of Galumbeck, the mattress 5 itself is placed on top of box spring 132 and secured with straps 130 and locking pins 156 to box spring 132. Galumbeck does not disclose a tubular sleeve or attachment with an attachment bar, as recited in claim 1.

Regarding the rejection of claim 1 as being anticipated by Kensinger ('952), Kensinger discloses a convertible bedding assembly and mattress with hinged portions 28A, 28B to be folded inwardly towards center portion 26 to facilitate storage of the mattress 24. (col. 3, lines 12-16). There is no teaching or suggestion in Kensinger that the mattress 24 or any portion thereof is attached to anything. Kensinger therefore does not disclose all the limitations of claim 1.

Einstein ('937) discloses an adjustable operating table T to which a kidney pad with a seat section 1 and a back section 2, connected by a web 4, can be attached. The web 4 include straps 16

which can be disposed encirclingly around a kidney elevator K for releasably securing the pad to the kidney elevator.

Einstein's kidney pad does not provide a substantially rectangular sleeping surface, as recited in amended claim 1.

Newly added claims 52-64 are supported by the specification as filed, in particular the sections between page 8, line 31, and page 9, line 12.

Since neither Einstein ('937) nor Bushnell ('207), Lovelace ('436), Galumbeck ('404) and Kensinger ('952), taken either alone or in combination recite all the features of amended claim 1 and new independent claim 61, claims 1 and 61 are patentable over the references of record.

The retained dependent claims 6, 9, 20 and 21, and newly added dependent claims 52-60 and 62-64 are then also patentable for at least the reasons that claims 1 and 61 are patentable.

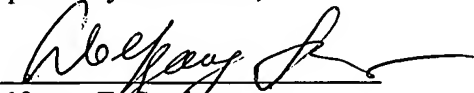
In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. SMCY-P01-081 from which the undersigned is authorized to draw.

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Respectfully submitted,

By



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